



Applicant : Don P. Wolfe, et al.  
 App. No. : 09/231,415  
 Filed : January 14, 1999  
 For : REAL TIME VEHICLE  
 PURCHASE REQUEST  
 MANAGEMENT METHOD  
 AND SYSTEM  
 Examiner : Ella Colbert  
 Art Unit : 3624

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

December 23, 2004

(Date)

Arthur S. Rose, Reg. No. 28,038

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Summary of Interview in three (3) pages.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Arthur S. Rose  
 Registration No. 28,038  
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3624

Customer No. 20,995

### SUMMARY OF INTERVIEW

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#### Examiner's Use ONLY

- ☐ Discrepancies found, Examiner's Amendment to follow.  
☐ Record complete and accurate - Interview Record OK

Examiner's Initials: \_\_\_\_\_

Review Date: \_\_\_\_\_

Dear Sir:

With regard to an Examiner's Interview conducted in relation to the above-identified application on November 30, 2004, Applicants submit this Summary of Interview for recording in the official file.

#### Attendees, Date and Type of Interview

The interview was conducted via phone on November 30, 2004 and was attended by Examiner Colbert and Applicants' attorneys Art Rose and Ted Cannon.

#### Exhibits and/or Demonstrations

None.

#### Identification of Claims Discussed

26-33, 34-41, 77-90, 94, 96-99. The primary emphasis of the interview was Claim 26.

#### Identification of Prior Art Discussed

United States Patent No. 5,794,207 to Walker et al., United States Patent No. 5,671,279 to Elgamal, and United States Patent No. 5,940,807 to Purcell.

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Proposed Amendments

On November 24, 2004, prior to the interview, Applicants filed an amendment.

Principal Arguments and Other Matters

Applicants' attorneys respectfully submitted that the combination of Walker with Purcell and the combination of Walker with Elgamal are improper because no motivation or suggestion for combining these references has been shown. Applicants' attorneys explained that Walker teaches a reverse auction system whose fundamental purpose is to enable widespread distribution of conditional purchase offers to many sellers. Both Elgamal and Purcell, however, teach restricting information access to one seller. In the system of Elgamal, a purchase-request message is sent directly from one customer to only one merchant. The system of Purcell "partition[s] off special areas for each sellers [sic] inventory information, and to which a particular seller has exclusive access."<sup>1</sup> Purcell, Col. 6: 60-62. Therefore, combining either Purcell or Elgamal with Walker would be contrary to the core purpose of the Walker system to enable widespread distribution of conditional purchase offers to many sellers.

In addition, Applicants' attorneys indicated that the cited prior art does not teach every limitation of the claims. For example, the prior art does not teach the limitation of the third paragraph of Claim 26, which, as amended, states "a dealer access module configured to permit each dealer to access and manage only the set of purchase requests associated with the dealer." In pointing out that the cited prior art does not teach the foregoing limitation, Applicants' attorneys did not state or intend to suggest that this is "the inventive concept." Rather, consistent with United States patent law, the claimed invention is defined by each claim as a whole and a determination of patentability for a given claim requires reference to every claim limitation.

Applicants' attorneys and the Examiner also discussed a number of issues related to 35 U.S.C. § 112, ¶ 2 and 35 U.S.C. § 101.

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<sup>1</sup> Applicants also note that the "inventory information" of Elgamal is not one or more "purchase requests" as claimed.

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Results of Interview

As indicated in the Examiner's Interview Summary, the Examiner agreed to contact Mr. Rose or Mr. Cannon when the applicant's amendment is being considered by the Examiner if the case is not in condition for allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/23/04

By: 

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